

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

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UNITED STATES OF AMERICA

8:05CR138

OFFICE OF THE CLERK

Plaintiff,

vs

APPLICATION FOR ARREST
AND DETENTION OF A
MATERIAL WITNESS
PURSUANT TO 18 U.S.C. § 3144

GUSTAVO AMBRIZ-SALDANA,

Defendant.

COMES NOW the Plaintiff, United States of America by and through the undersigned Special Assistant United States Attorney, and moves pursuant to Title 18, United States Code, Section 3144, for the arrest and detention of Manuel Lopez-Garcia, whose testimony is material in this criminal proceeding.

This application is based on the information in the attached affidavit of Drug Enforcement Administration Special Agent Donata Sikorski, which shows that the person named above possesses testimony which is material to this case and that it may become impractical to secure the presence of this witness by subpoena.

UNITED STATE OF AMERICA, Plaintiff

MICHAEL G. HEAVICAN
United States Attorney

Jennie Dugan-Hinrichs

JENNIE DUGAN-HINRICHS (#21407)
Special Assistant United States Attorney
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(402) 661-3700

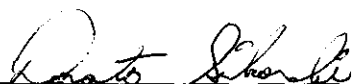
AFFIDAVIT

Donato Sikorski, being of lawful age and duly sworn, deposes and states:

1. I am a Special Agent with the Drug Enforcement Administration (hereinafter "DEA"), Omaha, Nebraska. I am duly appointed according to law, and at the time of the events herein was acting in my official capacity.
2. In preparation for this case, I have consulted with Immigration and Customs Enforcement Special Agent Henry Anton, Omaha, Nebraska.
3. The testimony of Manuel Lopez-Garcia is material in a criminal proceeding filed in the United States District Court, District of Nebraska, entitled United States of America v. GUSTAVO AMBRIZ-SALDANA, Case Number 8:05CR138. In that case, the defendant is charged with the following: Count I - Conspiracy to distribute and possess with intent to distribute less than 500 grams of methamphetamine between November 1, 2003 and March 20, 2005; Count II - possession with intent to distribute methamphetamine on or about December 1, 2004; Count III - possession with intent to distribute methamphetamine on or about December 8, 2004; Count IV - possession with intent to distribute less than 50 grams of methamphetamine on or about December 10, 2005; Count V - possession with intent to distribute less than 50 grams of methamphetamine on or about January 14, 2005; Count VI - possession with intent to distribute less than 50 grams of methamphetamine on or about January 14, 2005; Count VII - possession with intent to distribute less than 500 grams of methamphetamine on or about February 3, 2005. Trial is scheduled to begin on January 9, 2006 before Chief Judge Joseph Bataillon.
4. The following information sets forth facts demonstrating that the testimony of Manuel Lopez-Garcia is material to the disposition of pending charges against GUSTAVO AMBRIZ-SALDANA.
5. On April 18, 2005, I spoke with Manuel Lopez-Garcia at the U.S. Attorney's Office in Omaha, Nebraska during a proffer interview. Manuel Lopez-Garcia indicated Gustavo Ambriz-Saldana was his uncle. He explained the 1998 Nissan Sentra that he, Gustavo Ambriz-Saldana and Luis Melena-Garcia, were arrested in was driven to Nebraska from Phoenix, Arizona by Melena-Garcia. Lopez-Garcia accompanied Ambriz-Saldana in a separate vehicle; a short 1997 green Ford van.

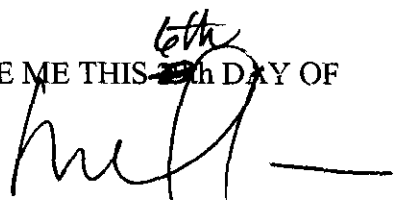
6. Lopez-Garcia stated Melena-Garcia had made prior drug trips from Phoenix, Arizona to Omaha, Nebraska for and on behalf of Ambriz-Saldana. He was aware of three or four trips Melena-Garcia made to Omaha while transporting methamphetamine. The first trip was one pound of ice before December 2004; the second trip was 1.5 pounds of ice and was shortly after December 12, 2004; the third trip was two pounds of ice just before December 24, 2004. The fourth trip was the one when everybody was arrested in February 2005. Each trip Ambriz-Saldana provided the ice methamphetamine for transport. Lopez-Garcia's job was to deliver the ice for Gustavo Ambriz-Saldana. He specifically recalls delivering one ounce quantities and 1/4 pound quantities; one ounce for \$600-\$700 and 1/4 pound for \$2,500. He estimates personally delivering two pounds for Ambriz-Saldana from January 2004 to February 2005.
7. He was aware of houses near 13th and 72nd Streets where drugs were stored. Lopez Garcia estimated Ambriz-Saldana brought ice to Omaha since early 2004. Lopez-Garcia received \$500 per week for making ice deliveries for Ambriz-Saldana. Lopez-Garcia saw Ambriz-Saldana sell 1/4 pound of ice to "Popeye" on two separate occasions. Lopez Garcia stated Ambriz-Saldana handled taking all the money back to Phoenix. He believes the money was concealed in secret compartments in cars.
8. Manuel Lopez-Garcia was indicted as an adult in the case of The United States of America vs. Manuel Lopez-Garcia, 8:05CR56. credible evidence was presented to Assistant United States Attorney Robert Francis Cryne which led him to believe the defendant Manuel Lopez-Garcia was 17 years old during the charged indictment. In an agreement with his counsel, Don Schense, defendant Manual Lopez-Garcia agreed to and plead in state court, being sentenced to time served in exchange for his testimony against Gustavo Ambriz-Saldada and the dismissal of his federal indictment. Manual Lopez-Garcia also has an INS detainer on him. The government has prepared the Motion for Dismissal but without the Material Witness Warrant, there is no mechanism to assure Manual Lopez-Garcia's appearance and subsequent testimony. Don Schense has been consulted and agreed with this mechanism to assure his client's appearance and testimony without the INS detainer being executed.
9. Based upon the above, I believe that the testimony of Manuel Lopez-Garcia is material in the proceedings against GUSTAVO AMBRIZ-SALDANA.

FURTHER AFFIANT SAITH NAUGHT.


Special Agent Donato Sikorski
Drug Enforcement Administration

SUBSCRIBED AND SWORN TO BEFORE ME THIS ^{6th} ~~29th~~ DAY OF
~~NOVEMBER~~, 2005.

December


THOMAS D. THALKEN
United States Magistrate Judge